REMARKS

In accordance with the foregoing, claims 12 and 14 have been amended. Therefore, claims 1-19 remain pending and under consideration. No new matter is being presented, and approval of the amended claims is respectfully requested.

The Examiner has failed to point out any portion of the cited references that discloses claimed features of embodiments of the present invention and, therefore, withdrawal of the finality of the outstanding Office Action is respectfully requested.

Rejections Under 35 U.S.C. §103(a)

Claims 1-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Butterfield et al. (U.S. Patent No. 6,213,972) (hereinafter "Butterfield") in view of Fairchild et al. (U.S. Patent No. 5,032,112) (hereinafter "Fairchild") and further in view of Doan (U.S. Patent No. 5,087,245). The rejections are respectfully traversed and reconsideration and withdrawal thereof are requested. The following is a comparison of the present invention as currently claimed with the applied references.

Independent claim 1, for example, recites a pressure sensor disposed adjacent the primary infusion line below the connection of the secondary infusion line to the primary infusion line, the pressure sensor in operative arrangement with the primary infusion line to measure pressure within the primary infusion line, the pressure sensor providing signals representative of the pressure within the primary infusion line. As an exemplary advantage of embodiments of the present invention, a single processor may determine the status of both the primary infusion and the secondary infusion.

On page 3 of the Action, the Examiner cites element 34a of Butterfield as disclosing a pressure sensor disposed adjacent the primary infusion line 12a. However, the Examiner makes no mention of a pressure sensor below the connection of the secondary infusion line to the primary infusion line. In fact, the pressure sensor 34a of Butterfield is connected to primary line 12a above the merging of lines 12a and 12b (at common infusion line 12c). (See Fig. 17 of Butterfield). That is, sensor 34a could only be used to determine the pressure of primary infusion line 12a. Applicant notes that sensors 34c may be positioned below the merging of lines 12a and 12b; however sensor 34c provides signals only to processor 30b (of the second infusion line 12b).

Fairchild relates to a dual source intravenous administration set having an intravenous pump. There is no description regarding a pressure sensor disposed adjacent the primary infusion line below the connection of the secondary infusion line to the primary infusion line. Also, the Examiner describes Fairchild as teaching a controllable device 54 for applying pressure to the primary infusion line. However, this appears to be an error, since segment 54 is merely described as a third tubing segment and not a controllable device for applying pressure to a primary infusion line.

Doan relates to a system and method for detecting abnormalities in intravascular infusion. However, this reference was cited for storing pressure related values and does not overcome any of the deficiencies noted with respect to the Butterfield and Fairchild references. Accordingly, even if combined with the Butterfield and Fairchild references, the combination would not make obvious the claims of the present invention.

None of the references, either alone or in combination, show or suggest the claimed features described herein. Therefore, it is respectfully submitted that independent claim 1, as well as its pending dependent claims, patentably distinguishes over the cited art. Claim 8

recites features similar to those described above with respect to claim 1. Therefore, claims 8-11 should be considered allowable for the same reasons as claim 1.

Independent claims 12 and 16 recite methods for determining whether a valve in a secondary infusion line is opened during a secondary infusion, or determining the status of a secondary infusion. For example, independent claim 16 recites a method for determining the status of a secondary infusion; comprising: sampling pressure signals provided by a pressure sensor in operable communication with an upstream infusion line; establishing a baseline pressure from the sampled pressure signals; storing the baseline pressure in a memory; causing an increase in the pressure within the upstream infusion line; sampling the pressure signals after the pressure in the primary infusion line is increased; comparing a characteristic of the pressure signals sampled after the pressure in the primary infusion line is increased with a characteristic of the threshold pressure.

Neither one of these methods is shown or suggested by either Fairchild or Butterfield, either alone or in combination, for the reasons stated above with respect to claims 1 and 8. In particular, none of the cited references discloses the capability of sample pressure signals for the secondary infusion line after the pressure in the primary infusion line is increased. Independent claim 12 is amended herein to recite substantially similar features as described above. Reconsideration and withdrawal of the rejection of these claims and those dependent from claims 12 and 16 are respectfully requested.

CONCLUSION

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

/Michael P. Stanley/
Michael P. Stanley
Registration No. 58,523

4370 La Jolla Village Drive, Suite 700
San Diego, CA 92122
Phone: 858.643.1437 MPS:tms
Facsimile: 858.597.1585
Date: August 21, 2008

Please recognize our Customer No. 41552 as our correspondence address.

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